

Public Chapter 170

HOUSE BILL NO. 1099

By Representatives Lois DeBerry, Bowers, Sherry Jones, Bird, Pruitt, Langster

Substituted for: Senate Bill No. 1555

By Senator Ford

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 2, Part 4, relative to establishing the "Kinship Foster Care Program".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 2, Part 4, is amended by adding Sections 2 through 5 of this act as a new section thereto.

SECTION 2. As used in this act, unless the context otherwise requires:

(1) "Department" means the Department of Children's Services; and

(2) "Foster parent" means any person with whom a child in the care, custody or guardianship of the vision, is placed for temporary or long-term care, but shall not include any persons with whom a child is placed for the purpose of adoption.

SECTION 3. (a) There is established a "Kinship Foster Care Program" in the Department of Children's Services.

(b) When a child has been removed from his home and is in the care, custody or guardianship of the department, the department shall attempt to place the child with a relative for kinship foster care. If the relative is approved by the department to provide foster care services, in accordance with rules and regulations adopted by the department regarding foster care services, and a placement with the relative is made, the relative may receive payment for the full foster care rate for the care of the child and any other benefits that might be available to foster parents, whether in money or in services.

(c) The department shall establish, in accordance with the provisions of this act, eligibility standards for becoming a kinship foster parent.

(1) Relatives within the first, second or third degree to the parent or step-parent of a child who may be related through blood, marriage or adoption may be eligible for approval as a kinship foster parent.

(2) The kinship foster parent shall be twenty-one (21) years of age or older, except that if the spouse or partner of the relative is twenty-one (21) years of age or older and living in the home, and the relative is between eighteen (18) and twenty-one (21) years of age, the department may waive the age requirement.

(3)

(A) A person may become a kinship foster parent only upon the completion of an investigation to ascertain if there is a state or federal record of criminal history for the prospective kinship foster parent or any other adult residing in the prospective parent's home;

(B) The Tennessee Bureau of Investigation (TBI) shall conduct the investigation and shall make the results of the investigation available to the department in accordance with this section. The department shall maintain the confidentiality of the investigation results and shall use the results only for purposes of determining a person's eligibility to become a kinship foster parent; and

(D) It is unlawful, except for the purpose of determining a person's eligibility for kinship foster care, for any person to disclose information obtained under this subdivision. Any person violating this section commits a Class A misdemeanor.

(4) The department shall determine whether the person is able to care effectively for the foster child by:

(A) Reviewing personal and professional references;

(B) Observing during a home visit of the kinship foster parent with household members; and

(C) Interviewing the kinship foster parent.

(d) (1) The department and the kinship foster parent shall develop a case plan for the foster care of the child. The plan shall be periodically reviewed and updated. If the plan includes the use of an approved day care center or family day care home, the department shall pay for child care arrangements, according to established rates.

(2) The kinship foster parent shall cooperate with any activities specified in the case plan for the foster child, such as counseling, therapy or court sessions, or visits with the foster child's parents or other family members.

(e) The Commissioner of Children's Services shall adopt rules and regulations necessary to carry out the provisions of this act pursuant to the Uniform Administrative Procedures Act, Title 4, Chapter 5, except that the commissioner shall not commence the process under the Uniform Administrative Procedures Act until the proposed rules and regulations have been reviewed by the Select Joint Committee on Children and Youth.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 1997, the public welfare requiring
it.